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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,593	10/19/2001	Matthew P. Kulig	M-11742 US	6376

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EXAMINER	
BURGESS, BARBARA N	
ART UNIT	**PAPER NUMBER**
2157	

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/037,593	KULIG ET AL.	
	Examiner	Art Unit	
	Barbara N. Burgess	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 October 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-53* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-53* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2-3-03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1- 53 are rejected under 35 U.S.C. 102(e) as being anticipated by Khan et al. (hereinafter "Khan", US Patent Publication 2002/0116508 A1).

As per claim 1, Khan discloses a system for controlling transmission of data packets through an information network, comprising:

- A Regional Transaction Processor (RTP) (paragraphs [0044, 0045]);
- a data Enabling Device (DED) operable to:
    a. Receive one or more data packets from the information network (paragraphs [0047-0048]);
    b. Detect when the one or more data packets include content match Information (paragraph [0051]);
    c. issue a message to a workstation and invoke the RTP to process a transaction when the content match information is detected in the one or more data packets (paragraphs [0053, 0055]).

As per claim 2, Khan discloses the system as set forth in claim 1, wherein the transaction processed is based on the content match information (paragraph [0051]).

As per claim 3, Khan discloses the system, as set forth in claim1, wherein the DED is operable to detect when the one or more data packets include content match information at a rate proportional to the rate at which the data packets are received (paragraphs [0060, 0067]).

As per claim 4, Khan discloses the system, as set forth in claim 1, wherein the DED prevents further transmission of the one or more data packets based on the content match information (paragraph [0068]).

As per claim 5, Khan discloses the system, as set forth in claim l , wherein the RTP comprises a network server and a database, and is operable to process transactions for requests for content (paragraph [0065]).

As per claim 6, Khan discloses the system, as set forth in claim 1, wherein the DED is located at a network access point (NAP) (paragraph [0071]).

As per claim 7, Khan discloses the system, as set forth in claim 1, further comprising a plurality of DEDS along a network route, wherein each DED is

operable to communicate with at least one of the other DEDS (paragraphs 0075, 0078]).

As per claim 8, Khan discloses the system, as set forth in claim 7, wherein the plurality of DEDS include a first DED that generates a message and one or more intermediate DEDS operable to forward the message to the DED closest to the workstation along the network route (paragraph [0077]).

As per claim 9, Khan discloses the system, as set forth in claim 7, wherein the plurality of DEDS are operable to communicate with each other to prevent transmitting more than one message for the same data packet through the network route (paragraph 0044]).

As per claim 10, Khan discloses the system, as set forth in claim wherein the RTP transmits a Release Content or Cease-content message to the DED, based on whether the at least one data packet was authorized to be downloaded to the workstation (paragraphs [0067, 0069]).

As per claim 11, Khan discloses the system, as set forth in claim 1, wherein the DED includes Field Programmable Gate Arrays (FPGAS) (paragraph [0059]).

As per claim 12, Khan discloses the system, as set forth in claim 11, wherein the FPGAS can be reprogrammed over the network to perform a content matching function (paragraph [0051]).

As per claim 13, Khan discloses the system, as set forth in claim 11, wherein a portion of the DED can be dynamically reprogrammed and the DED is operable to continue processing the data packets during the partial reprogramming (paragraphs [0061, 0065]).

As per claim 14, Khan discloses the system, as set forth in claim 1, further comprising a Central Storage and Backup System (CSBS) operable to communicate with the RTP, to monitor operation of the RTP, and to store transaction information (paragraph [0075]).

As per claim 15, Khan discloses the system, as set forth in claim 14, wherein the CSBS is operable to transmit information to reprogram the DED to communicate with another RTP (paragraph [0071]).

As per claim 16, Khan discloses the system, as set forth in claim 1, further comprising a content matching server operable to store content match information, to communicate with the DED, and to transmit the content match information to the DED (paragraph [0067]).

As per claim 17, Khan discloses the system, as set forth in claim 1, wherein the DED is operable to suspend transmission of the data packets through the information network until a response to a prompt is received (paragraph [0044]).

As per claims 18, 28, 36, 49, and 53, Khan discloses a method, an apparatus, and a computer program product for controlling transmission of identifiable content over an information network, comprising:

- providing content match information for the content to a DED, wherein the DED is located in the information network along a transmission path of a plurality of data packets, wherein at least one data packet includes the content match information (paragraphs [0044, 0046]);
- receiving the at least one data packet in the DED (paragraph [0048]);
- detecting the content match information in the at least one data packet in the DED (paragraph [0051]);
- issuing a prompt to a workstation based on the content match information when the content match information is detected in the at least one data packet (paragraph [0055]).

As per claims 19, 29, Khan discloses the method, an apparatus, and a computer program product as set forth in claims 18 and 28, wherein the prompt is based on the content match information (paragraphs [0051, 0067]).

As per claims 20, 30, 38, Khan disclose the method, an apparatus, and a computer program product as set forth in claims 18, 28, 36, further comprising: preventing further transmission of the one or more data packets based on the content match information (paragraph [0055]).

As per claims 21, 31, 39, Khan discloses the method, an apparatus, and a computer program product as set forth in claims 18, 28, 36, further comprising: processing a transaction based on a user's response to the prompt (paragraph [0061-0063).

As per claims 22, 32, 40, Khan discloses the method, an apparatus, and a computer program product as set forth in claims 18, 28, 36, further comprising transmitting a message among a plurality of DEDS along the transmission path to prevent transmitting more than one prompt for the same data packet (paragraph ([0061]).

As per claims 23, 33, 43, Khan discloses the method, an apparatus, and a computer program product as set forth in claims 18, 28, 39, further comprising: processing a transaction based on the content match information, and transmitting a Release Content or Cease Content message to the DED based on whether content was authorized to be downloaded to the workstation during the transaction (paragraph [0067]).

As per claims 24, 34, Khan discloses the method, an apparatus, and a computer program product as set forth in claims 18, 28, further comprising: reprogramming a portion of the DED to detect different content match information (paragraph [0051]).

As per claims 25, 35, Khan discloses the method, an apparatus, and a computer program product as set forth in claims 18, 28, further comprising suspending transmission of the at least one data packet through the information network until a response to the prompt is received (paragraphs [0075, 0077]).

As per claims 26, Khan discloses a computer program product comprising: program instructions to implement the method of claim 18 (paragraph [0055]).

As per claims 27, Khan discloses a data signal comprising:
program instructions to implement the method of claim 18 (paragraph [0055]).

As per claim 41, Khan discloses the apparatus, as set forth in claim 40, wherein the plurality of DEDS include a first DED that generates a message and one or more intermediate DEDS operable to forward the message to the DED closest to the workstation along the network route (paragraph [0057]).

As per claim 42, Khan discloses the apparatus, as set forth in claim 40, wherein the plurality of DEDS are operable to communicate with each other to prevent

transmitting more than one message for the same data packet through the network route (paragraph [0061-0063]).

As per claim 44, Khan discloses the apparatus, as set forth in claim 36, wherein a portion of the DED can be dynamically reprogrammed and the DED is operable to continue processing packets during the partial reprogramming (paragraph [0071]).

As per claim 45, Khan discloses the apparatus, as set forth in claim 39, wherein the RTP is operable to communicate with a Central Storage and Backup System (CSBS), wherein the CSBS is operable to monitor operation of the RTP, and to store transaction information (paragraphs [0069]).

As per claim 46, Khan discloses the apparatus, as set forth in claim 45, wherein the CSBS is operable to transmit information to reprogram the DED to communicate with another RTP (paragraph [0077]).

As per claim 47, Khan discloses the apparatus, as set forth in claim 36, wherein the RTP is operable to communicate with a content matching server, wherein the content matching server is operable to store content match information, to communicate with the DED, and to transmit the content match information to the DED (paragraph [0051, 0055]).

As per claim 48, Khan disclose the apparatus, as set forth in claim 36, wherein the DED is further operable to suspend transmission of the at least one data packet through the information network until a response to the prompt is received (paragraphs [0066, 0069]).

As per claim 50, Khan discloses the apparatus, as set forth in claim 49, wherein CSBS is further operable to monitor the operation of the RTPS (paragraphs [0055, 0059]).

As per claim 51, Khan discloses the apparatus, as set forth in claim 49, wherein the CSBS stores transaction information for the RTPS (paragraph [0070]).

As per claim 52, Khan discloses the apparatus, as set forth in claim 49, wherein the CSBS maintains the content match information (paragraph [0075]).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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US Patent 5,761,431

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N. Burgess whose telephone number

is (571) 272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Ettinene can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Barbara N Burgess
Examiner
Art Unit 2157

August 22, 2005

ABDULLAHI SALLOUD
Primary Examiner